



JPW

JAMES D. WELCH  
ATTORNEY AT LAW  
PROFESSIONAL ENGINEER

INTELLECTUAL PROPERTY  
402-391-4448

December 10, 2005

10328 PINEHURST AVE.  
OMAHA, NEBRASKA 68124

Commissioner for Patents  
Box: 1450  
Alexandria, VA 22313-1450

RE: APPLICATION OF LIPHARDT TITLED "ALIGNMENT OF ELLIPSOMETER  
BEAM TO SAMPLE SURFACE";  
SERIAL NO. 10/684,088;  
FILE DATE: 10/12/2003;  
ART UNIT: 2877;  
EXAMINER: ISIAKA O. AKANBI

Dear Sir;

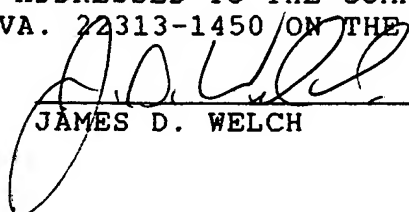
I am in receipt of an Action dated 12/06/05 regarding the  
identified Application.

The Examiner has identified Section 112 problems in Claims  
19 and 20 and rejected Claims 1-20 based on Patents to Xu et al.  
No. 6,590,656 and to Rosencwaig et al. No. 6,297,880 under  
Sections 102 and 103.

It is noted quickly noted that neither Xu et al. nor any  
other cited references, describes a sample/stage which is  
rotatable about "X" and "Y axes. Said cited references describe  
stages which can be translated in X and Y directions only. They  
do not suggest the stage rotation capability which is critical to  
the operation of the present invention in aligning a sample  
surface so that a normal thereto, (as identified by adjusted  
coincidence of a first beam of electromagnetic radiation),  
projects in a direction with a known relationship to a second  
beam of electromagnetic radiation which is caused to approach the  
sample surface obliquely.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH  
THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR  
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR  
PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE  
INDICATED BELOW.

  
JAMES D. WELCH

12/12/05  
DATE